

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC # DATE FILED: 7/29/08

-----X
DANIEL SZAROLETA,

Plaintiff,

07 CIVIL 7639 (KNF)

-against-

JUDGMENT

METRO-NORTH COMMUTER RAILROAD,
Defendant.
-----X

08,1349

A Jury Trial before the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, having begun on July 21, 2008, and at the conclusion of the trial, on July 25, 2008, the jury having rendered a verdict in favor of the plaintiff in the amount of \$81,750.00, it is,

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment in the sum of \$81,750.00 as against the defendant.

DATED: New York, New York
July 29, 2008

J. MICHAEL McMAHON

So Ordered:

Clerk of Court

Kevin Nathaniel Fox

U.S.M.J.

BY:

[Signature]

Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**

CIVIL MEMORANDUM TO DOCKET CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
DANIEL SZAROLETA,	:	
	:	
Plaintiff,	:	07 Civ. 7639 (KNF)
	:	
-against-	:	
	:	KEVIN NATHANIEL FOX
METRO-NORTH COMMUTER RAILROAD,	:	U.S.M.J
	:	
Defendant.	:	
-----X		

July 28, 2008:

Jury trial commenced on July 21, 2008; trial proceedings continued on July 22, 23, 24 and 25, 2008. Plaintiff's attorney Marc Wietzke present. Defendant's attorneys José Rios and Ioana Wenchell present. Court reporters Tom Murray and Joanne Nancari present. The jury found the defendant liable, pursuant to the Federal Employer's Liability Act, and returned a unanimous verdict in favor of the plaintiff, in the amount of \$81,750.00.



07/28/08

Submitted by Edward Pekarek
Law Clerk to the Hon. Kevin Nathaniel Fox

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DANIEL SZAROLETA,

Plaintiff,

-against-

METRO-NORTH COMMUTER RAILROAD,

Defendant.
-----X

:
:
: **VERDICT FORM**

:
: 07 Civ. 7639 (KNF)
:

I. FEDERAL EMPLOYERS' LIABILITY ACT

1. Do you find that plaintiff Daniel Szaroleta has proven, by a preponderance of the evidence, that defendant Metro-North Commuter Railroad was negligent?

☒ YES

☐ NO

*If you have answered "YES" to Question 1, proceed to Question 2. If you have answered "NO" to Question 1, proceed to part II., **FEDERAL EMPLOYERS' LIABILITY ACT VERDICT** and return a verdict for the defendant.*

2. If you have answered "YES" to Question 1, do you find that plaintiff Daniel Szaroleta has proven, by a preponderance of the evidence, that he suffered an injury on January 8, 2007?

☒ YES

☐ NO

*If you have answered "YES" to Question 2, proceed to Question 3. If you have answered "NO" to Question 2, proceed to part II., **FEDERAL EMPLOYERS' LIABILITY ACT VERDICT** and return a verdict for the defendant.*

3. If you have answered "YES" to Question 2, do you find that plaintiff Daniel Szaroleta has proven, by a preponderance of the evidence, that defendant Metro-North Commuter Railroad's negligence played any part, no matter how slight, in causing the plaintiff's injury?

☒ YES

☐ NO

*If you have answered "YES" to Question 3, proceed to part II., **FEDERAL EMPLOYERS' LIABILITY ACT VERDICT** and return a verdict for the plaintiff. If you have answered "NO" to Question 3, proceed to part II., **FEDERAL EMPLOYERS' LIABILITY ACT VERDICT** and return a verdict for the defendant.*

II. FEDERAL EMPLOYERS' LIABILITY ACT VERDICT

On the plaintiff's Federal Employers' Liability Act claim we, the jury, return a verdict for:

☒ Plaintiff Daniel Szaroleta

☐ Defendant Metro-North Commuter Railroad

*If you have returned a verdict for the plaintiff, proceed to part III., **COMPENSATORY DAMAGES**. If you have returned a verdict for the defendant STOP here, sign and date this verdict form and bring it into the courtroom to announce your verdict.*

III. COMPENSATORY DAMAGES

Do you find that plaintiff Daniel Szaroleta is entitled to recover damages for:

Pain and suffering from the date of the
injury to date:

☒ YES

☐ NO

If you answer "YES" indicate the amount: \$ 81,750.00

Now sign and date this verdict form and bring it into the courtroom to announce your verdict.

SO SAY WE ALL.

Jane Rosenthal
JUROR #1

Anthony Ringer
JUROR #2

Shohet
JUROR #3

John M. Engel
JUROR #4

Samuel Korman
JUROR #5

[Signature]
JUROR #6

Jonas M. Edwards
JUROR #7

[Signature]
JUROR #8

Date: July 25, 2008